

APPROVED: Meeting No. 23-95

ATTEST: *Paula Jewell*

MAYOR AND COUNCIL  
ROCKVILLE, MARYLAND  
Meeting No. 09-95

February 7, 1995

The Mayor and Council of Rockville, Maryland, convened in Worksession in the Council Chamber, Rockville City Hall, 111 Maryland Avenue, Rockville, Maryland, on February 7, 1995, at 6:40 p.m.

PRESENT

Mayor James F. Coyle

Councilmember Robert E. Dorsey

Councilmember James T. Marrinan

Councilmember Rose G. Krasnow

Councilmember Nina A. Weisbroth

In attendance: Acting City Manager Rick Kuckkahn, City Clerk Paula Jewell and City Attorney Paul Glasgow.

Re: Worksession with Board of  
Supervisors of Elections

The Mayor and Council met with Chairperson Maury Ward and Supervisors David Celeste, Audrey Impara, Elizabeth Steel, and Margaretta Tutson. Mr. Ward noted that over the last few elections concerns had been raised by citizens regarding the complexity of the City's Election Ordinance and the onerous process which, some had complained, discouraged candidate participation in City elections. The Board determined that there were a number of areas in the election process which could be looked at for possible modification. At the Board's request, the City Attorney prepared a memorandum setting forth the Board's

proposed recommendations for increasing and fostering greater participation in the election process.

The Mayor and Council discussed the Board's proposals for modifying the Election Ordinance as outlined in the City Attorney's memorandum and determined the following actions:

(a) Board Review Re: Frequency and number of election reports - Current law requires the filing of election reports at least five times during an election cycle and annually thereafter when a cash balance or outstanding debt exists. The Board recommended that the number of reports required in an election cycle could be reduced to the following schedule. A report would be due: (a) on the fifth Monday preceding an election; (b) a subsequent report due on the second Monday immediately preceding an election; (c) a report due 30 days after an election; and (d) annually thereafter if a cash balance, unpaid bills or deficits existed.

Mayor and Council Action: The Mayor and Council generally agreed with the Board's recommendation; consensus was also reached on a suggestion made by Councilmember Krasnow that the first report be due on the sixth Monday preceding an election instead of the fifth Monday.

(b) Board Review Re: Penalties for violating the Election Ordinance - The Board agreed that the law as written for violating the Elections Ordinance was too severe a penalty, and recommended that the violation be changed. Current violations of the law are a

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misdemeanor, subject to a fine of up to \$1,000 and/or six months in prison plus ineligibility for public office for a four-year period. The Board recommended that a violation should result in a municipal infraction that does not carry the potential of imprisonment. In addition, the Board felt that disqualification for public office should be determined by the Board depending on the gravity of the offense.

Mayor and Council Action: Accept Board's recommendations. Staff was asked to put into place some standards regarding specificity of violations of the Election Ordinance and develop appropriate fines for municipal infractions.

(c) Board Review Re: Thresholds for reporting contributions and expenditures - The Board generally agreed that the current threshold of \$51 was too low and after reviewing the threshold requirements of other local jurisdictions, a majority of the Board reached consensus to increase the amount to \$500. (Chairman Ward felt that a \$300 threshold was an appropriate amount.) Agreement was also reached to increase from \$300 to \$500, the amount of contributions an individual receives in order to be considered a candidate.

Mayor and Council Action: Accept Board's recommendations for increasing the threshold amount and the amount of contribution that determines when an individual is considered a candidate.

(d) Board Review Re: Political Committees - The Board was provided with a legal opinion from the City Attorney's office interpreting the definition of a political committee. The City Attorney's Office determined that the endorsement of a candidate by a group or

organization constituted the promotion of the success of a candidate and that a nominating convention sponsored by an organization designed to produce a candidate or slate of candidates who are endorsed at the end of such a nominating convention, assists or attempts to assist the promotion of the success of a candidate(s) and therefore fell under the broad definition of a political committee as currently found in the Elections Ordinance. The City Attorney's office also determined that a political or civic organization that has as a principal purpose, the participation in Rockville elections, is a political committee and was not exempt from the reporting requirements.

The Board had previously considered a possibility that the definition of a political committee could be modified and the Elections Ordinance amended to allow political groups or organizations, which have civic and/or social purposes, as well as political purposes, to not be characterized as "political committees" for their civic and social activities that were unrelated to the promotion of a candidate or a proposition. However, the Board felt that by substantially increasing the threshold for reporting campaign contributions and expenditures, political committees would be allowed to undertake initial actions to put forth a slate of candidates for under \$500 and thereby avoid the reporting requirements. In addition, the Board felt that amendments made to the Elections Ordinance in 1991 allowed affiliated political committees (e.g., campaign committees) to be formed by political committees. Those affiliate committees would be required to report once they exceeded the \$500

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threshold. As a result, the Board recommended that no modifications to the definition of political committees was needed.

Mayor and Council Discussion/Action - The Mayor and Council discussed this issue at length. Concerns were expressed that there were homeowner groups, civic, and neighborhood associations that might desire to get together, sponsor a forum, endorse a candidate(s); however did not want to be considered either a political committee or a campaign committee. The issue of concern is that these types of groups would be placed under a burden and would be subject to reporting requirements for forming an affiliate political committee to support a candidate. In addition, the Mayor and Council felt there was some confusion as to what constituted an "endorsement" as the word implied political support. It was suggested that an endorsement should not make a group a political committee, however, the amount of money spent should be the determining factor. The Mayor and Council also pointed out that the purpose of amending the law was to encourage individual and group involvement in the political process.

The Mayor and Council agreed that the issue needed to be given additional consideration. Mayor Coyle asked that Councilmembers think the issue through some more and provide the Board of Supervisors with additional input on how political committees should be defined.

(e) Board Review Re: Forms for Reporting Campaign Contributions and Expenditures - The Election Ordinance charges the Board of Supervisors with the

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responsibility for developing these forms. The Board considered concerns that the forms needed revising to provide more meaningful information and to eliminate repetitive and unnecessary information, and decided to undertake a modification of the forms.

(No Mayor and Council Action needed)

Re: Adjournment from  
Worksession with the Board  
of Supervisors of Elections.

There being no further business to come before the Mayor and Council, the  
Worksession with the Board of Supervisors of Elections was adjourned at 8:10 p.m.

Re: Worksession with the City  
Manager Selection  
Committee (CMSC)

The Mayor and Council met with Committee members Mansfield Kaseman, Albert Starr, Dickran Hovsepien, Ardell Hilliard, and Charles Haughey. Committee member Cynthia Malament was absent. Also present for the Worksession were Assistant City Manager Cheryl Lampkin and Personnel Director Rich Hajewski.

Mayor Coyle announced that Ms. Hilliard had agreed to serve as the Committee's Chair. He then gave a history of the last search conducted for a city manager in 1988.

Councilmember Marrinan pointed out that there would be at least one internal candidate. He said that the Mayor and Council had looked at options for having some of the search functions performed in-house. However, a decision was made to go with the proposal

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to hire an executive search firm to ensure the objectivity of the search process. The Mayor and Council had directed that the CMSC hold a public forum to get input from the community and other interested groups (e.g., SCLC, AAME, etc.)

Councilmember Krasnow noted that during the last search, employee morale was low, and a number of senior staff vacancies existed, including that of a personnel director; however, she noted that the situation had vastly improved since that time.

The Committee suggested the following points:

- Gripes and criticisms, as well as ideas for a new city manager, should also be shared with the Committee and Mayor and Council.
- The February 16 public forum should be recorded and/or televised for the record.
- Additional information that came in after the profile was developed should still be made available to the CMSC.
- The deadline for receiving final comments either in writing or by phone would be Thursday, February 23, 1995.

Councilmember Krasnow remarked that she had received a call from a resident who asked how to endorse the Acting City Manager as the next city manager. Ms. Lampkin suggested that residents wishing to make such endorsements should put them in writing and address such comments directly to the Mayor and Council. Ms. Lampkin also noted that

staff would be preparing introductory comments for the February 16th public forum which will include the points raised at this Worksession.

The following points were suggested for the draft profile:

- Councilmember Krasnow suggested that a requirement be added to the draft profile that the city manager attend civic association and other community meetings.
- Mr. Hovsepian suggested adding a description of what the City's responsibilities were in comparison to the County's.
- Councilmember Dorsey asked that the description of the City's boards and commissions be elaborated.
- Councilmember Weisbroth suggested that each city department's total budget be added to the profile.

Mr. Hovsepian asked that a copy of the revised profile be sent back to the Committee prior to distribution to the executive search firm.

The Mayor and Council agreed that the Committee should have the opportunity to review applications for the search firm's top 10 (more or less) candidates, in order to conduct a confidential evaluation. The names of the candidates should be kept confidential. The Committee will also have an opportunity to hold a social gathering to meet the top three candidates.



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Re: Adjournment

There being no further business to come before the Mayor and Council, the meeting was adjourned at 9:22 p.m., to convene again in General Session at 7:30 p.m. on February 13, 1995, or at the call of the Mayor.